

REMARKS

Claims 1 through 7 and 11 through 18 are pending. Claims 1, 6, and 11 have been amended. New claims 23 through 30 have been added.

Paragraphs 1 through 5 of the Office Action

Claims 1, 2, 5 through 7, 11 12, and 15 through 18 have been rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 3,547,294 to Williams. Claims 3, 4, 13, and 14 have been rejected under 35 U.S.C. §102(b) as being anticipated by, or in the alternative, under 35 U.S.C. §103(a) as obvious over U.S. Patent No. 3,547,294 to Williams. Claims 1 through 7, and 11 through 18 have been further rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 3,547,294 to Williams in view of U.S. Patent No. 4,392,576 to Berger et al.

Claim 1 has been amended to require that the melting of at least a portion of the external surface beneath the metallic layer be performed to fuse the external surface to the metallic layer and that the metallic layer covers an area on the external surface less than the external surface area so that a remainder of the external surface area is exposed. Claim 11 has been similarly amended to require that the metallic layer covers an area on the external surface less than the external surface area so that a remainder of the external surface area is exposed. Neither the Williams nor the Berger et al. references teach, disclose, or suggest such a combination of limitations as set forth in the amended claims 1 and 11.

In particular, the objects of both of the cited references focus on providing a barrier in a container to prevent gases, odors, light, etc. from passing into the container through the entire exterior surface of the container. The metallic barrier layers in these references are continuous with the other layers of their respective container so that various layers of the respective container are contiguous and have substantially similar surface areas. For example, in the container described in the Williams reference, the metallic layer is applied to cover the bottom wall, the upstanding wall and the neck (*see e.g.*, Williams reference col. 4, lines 6-8). As best illustrated in Figures 2 and 4 of the Berger et al. reference, the metallic barrier layer is but one of

several contiguous layers of a described container. Thus, in order for the container of either the Williams or the Berger et al. references to work in a manner consistent with the express objects of these references, the barrier layer cannot be discontinuous with the other layers of the respective container which is expressly what the limitations of the amended claims 1 and 11 require.

Accordingly, claims 1 and 11, as amended, are believed to be patentably distinct over the Williams and Berger et al. references and therefore allowable. Claims 2 through 7 depend from the amended claim 1 and claims 12 through 18 depend from the amended claim 11 and, by virtue of their dependency, are now believed to be in condition for allowance. Thus, for at least the foregoing reasons, reconsideration and withdrawal of the above rejections is respectfully requested.

New claims 23 through 30 have been added to further clarify and define the scope of embodiments of the claimed invention and are believed to be allowable.


If for any reason an insufficient fee has been paid, the Examiner is hereby authorized to charge the insufficiency to Deposit Account No. 05-0150.

If the Examiner has any questions or needs any additional information, the Examiner is invited to telephone the undersigned attorney at (650) 843-3215.

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Respectfully submitted,

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